

APPEAL NO. 022033  
FILED SEPTEMBER 12, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 11, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury to his neck in addition to the compensable injury he sustained to his head on \_\_\_\_\_. The claimant appeals, asserting that the evidence was sufficient to show that the neck was included in the compensable injury. The respondent (carrier) replies, arguing that the claimant's appeal is untimely, but otherwise urges affirmance.

DECISION

Affirmed.

**TIMELINESS OF THE APPEAL**

As to the carrier's assertion that the claimant's appeal is untimely, we refer the carrier to Section 410.202(d), amended effective June 17, 2001, to provide that Saturdays, Sundays, and holidays listed in Section 662.003, Texas Government Code, are not included in the computation of the time in which a request for an appeal must be filed. The assertion of untimeliness is without merit.

**EXTENT OF INJURY**

Extent of injury is a factual question for the fact finder to resolve. The evidence supports the hearing officer's factual determination. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The Appeals Panel will not disturb the challenged factual findings of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust, and we do not find them to be so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **BANKERS' STANDARD INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JAVIER GONZALEZ  
3421 WEST WILLIAM CANNON DRIVE  
SUITE 131, PMB #113  
AUSTIN, TEXAS 78745.**

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Michael B. McShane  
Appeals Judge

CONCUR:

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Gary L. Kilgore  
Appeals Judge

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Margaret L. Turner  
Appeals Judge